REMARKS

In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration of the present application. At the time of the outstanding Office Action, August 7, 2009, claim 1, 3-8, 10-15, 17-21, 23-30 and 32-35 were pending. By this Response claims 6-8, 15, 18, 21, 30 and 32 are amended, claims 14, 19 and 27 are canceled, and claim 36 is added. No new matter has been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with appropriate status identifiers.

35 U.S.C. § 103 Rejections

Claims 1, 3-8, 10-15, 17-21, 23-30 and 32-35 stand rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 6,175,917 to Arrow *et al.* (Arrow) in view of U.S. Patent No. 7,447,901 to Sullenberger *et al.* (Sullenberger). Claims 14, 19 and 27 are canceled, making the rejections of claims 14, 19 and 27 moot. Because the cited art does not teach or suggest each of the limitations of the remaining claims, Applicant requests reconsideration.

Consider claim 1, which recites, in part:

> wherein in response to receiving a request from a first IP processing apparatus to communicate with a second IPsec processing apparatus, the IPsec setting apparatus transmits a request to the second IPsec processing apparatus and **upon receiving a reply to the request from the second IPsec processing apparatus` the IPsec setting apparatus transmits a common encryption key to the first and second IPsec process apparatuses to be used to encrypt and authenticate IPsec communications between the first and second process apparatuses.**

The cited art does not teach or suggest at least these features of the instant claims. The cited art does not teach or suggest an IPsec setting apparatus that transmits a common encryption key nor does the cited art teach or suggest an IPsec setting apparatus issuing a request to and receiving a response from a second IPsec processing apparatus and, consequently, the cited art does not teach or suggest upon receiving a reply to the request from the second IPsec processing apparatus the IPsec setting apparatus transmits a common

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encryption key to the first and second IPsec process apparatuses to be used to encrypt and authenticate IPsec communications between the first and second process apparatuses.

The cited art does not teach the IPsec setting apparatus transmits a common encryption key to the first and second IPsec processing apparatuses. The Office Action equates the VPN management station and the VPN units of Arrow with the IPsec setting apparatus and the IPsec processing apparatuses of the instant claims, respectively, and cites to Arrow, column 11, lines 27-34 as disclosing that the IPsec setting apparatus (VPN management station) transmits a common encryption key to a first and a second IPsec processing apparatus (VPN units). (Office Action page 2, line 19 – page 3, line 11). However, Arrow at column 11, lines 27-34 does not teach or suggest the VPN management station transmits a common encryption key. In fact, Arrow at column 11, lines 27-34 does not even discuss the VPN management station. Arrow at column 11, lines 27-34 merely discusses operating system 116 of VPN unit 115. Arrow states, "FIG. 7 is a block diagram of operating system 116 (from FIG. 1) which provides the instructions for operating VPN unit 115 in accordance with an aspect of the present invention." (Col. 10, lines 53-56.) Consequently, Arrow does not disclose the VPN management station transmits a common encryption key. Arrow merely discusses that the module which sets up keys for the encryption functions of a VPN unit is part of the operating system of the VPN unit.

Nor does the cited art teach or suggest an IPsec setting apparatus, in response to receiving from a first IP processing apparatus a request to communicate with a second IPsec processing apparatus, issuing a request to and receiving a response from the second IPsec processing apparatus. The Office Action admits that Arrow does not disclose a VPN unit makes a request to the VPN management unit in order to communicate with another VPN unit and cites to Sullenberger to cure the deficiency. Taking the Office Action's characterization of the disclosure of Sullenberger in arguendo, the disclosure still makes no mention of the HUB router (102) transmitting a request to a destination spoke router in response to a request from a source spoke router. The HUB router of Sullenberger merely encrypts and passes traffic form a first to second device. (Col. 10, lines 25-37.) Sullenberger makes no mention of the HUB issuing a request, much less mention the HUB issuing a request to a second spoke router in response to receiving a request from a first spoke router to

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communicate with a second spoke router. Thus, as neither Arrow nor Sullenberger teaches or suggests in response to a receiving a request from a first IPsec processing apparatus to communicate with a second IPsec processing apparatus, an IPsec setting appratus issuing a request to the second IP processing apparatus then neither Arrow nor Sullenberger teaches or suggests an IPsec setting apparatus receiving a reply to its issued request from the second IPsec apparatus.

Moreover, as the cited art does not teach or suggest that the IPsec setting apparatus transmits a common encryption key to the first and second IPsec processing apparatuses nor does it teach or suggest an IPsec setting apparatus, in response to receiving a request from a first IP processing apparatus to communicate with a second IPsec processing apparatus, issuing a request to and receiving a response from a second IPsec processing apparatus, then the cited art also does not teach or suggest the claim limitation, "upon receiving a reply to the request from the second IPsec processing apparatus the IPsec setting apparatus transmits a common encryption key to the first and second IPsec process apparatuses to be used to encrypt and authenticate IPsec communications between the first and second process apparatuses." The instant application distinguishes over the prior art in providing an IPsec setting method which can prevent inconsistency of settings among apparatuses, can make a secret key arithmetic operation unnecessary to reduce a connection time of an IPsec path and can prevent decreases in performance. (¶¶ 0016-0018 of the instant published application.) Thus, for at least the foregoing reasons, the instant claim defines over the cited art.

Claim 8, 15 and 21 recites limitations similar to claim 1 and for similar reasons also defines over the cited art. Claims 3-7 and 33-35, claims 10-13, claims 17-18 and 20, and claims 23-26, 28-30 and 32 depend from claims 1, 8, 15 and 21, respectively, and therefore also define patentable subject matter. Accordingly, Applicant respectfully requests withdrawal of the instant rejections.

Atty. Dkt. No. 053969-0157

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date ___2/5/2010___   By _____

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